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IN THE

Supreme Court of the United States

October Term, 1962

Nos. 383 and 538

EDWARD CARMINE COPPOLLA and
ALFRED SANANTONIO,

Petitioners,
[in No. 383]

—v.—

UNITED STATES OF AMERICA,

Respondent.

ANTHONY CAMPISI,

Petitioner,
[in No. 538]

—v.—

UNITED STATES OF AMERICA,

Respondent.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITIONERS' JOINT PETITION FOR REHEARING OF DENIAL OF WRITS OF CERTIORARI

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To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States:

The above named petitioners respectfully pray this Court to grant a rehearing of their respective petitions for writs

of certiorari in this case. The respective petitions for certiorari were denied by this Court on December 3, 1962. The ground for this joint petition for rehearing is as follows:—

On or about November 21, 1962, counsel for petitioners received the Government's Brief in Opposition in No. 538. The office of the Clerk of this Court by telephone had previously informed petitioner's counsel that the papers in these petitions for certiorari in both Nos. 383 and 538 would not be distributed to this Court until after the filing of the Government's Brief in Opposition in No. 538, and that the reply brief for the petitioners in both of said Dockets could be filed as a joint reply brief which could await the filing of the Government's Brief in Opposition in No. 538. On or about November 23, 1962, petitioner's counsel was advised, upon telephone inquiry to the office of the Clerk of this Court, that the papers in both Dockets would be distributed to the Justices on November 28, 1962. Not anticipating that the Court would reach these cases for conference until the next following Friday (December 7, 1962) at the earliest, i.e., not anticipating that these cases would be reached for conference within two days (Friday, November 30, 1962) after distribution of the papers to the Justices (which, as aforesaid, was to occur on November 28, 1962), petitioner's counsel filed a joint reply brief which reached this Court Saturday morning, December 1, 1962. The Court had, however, evidently taken up these cases in conference on the preceding day, Friday, November 30, 1962, for the orders denying certiorari were announced on Monday, December 3, 1962. On this last mentioned date an associate of petitioner's counsel happened to visit for another purpose the office of the Clerk of this

Court, where we were orally informed that our joint reply brief herein which had been received by the Clerk Saturday morning, December 1, 1962, had been distributed to the Justices. Since such distribution occurred, therefore, subsequent to the Court's Friday conference of November 30, 1962, and since our joint reply brief contains what are believed to be important matters favoring the grant of certiorari herein, and since we are unaware whether in circumstances of this kind the Court follows a supplemental conference procedure between the Friday and the Monday of a decisional weekend, we are respectfully presenting this joint petition for rehearing in the hope that additional consideration of these cases *via* the possibility of a supplemental conference distinctly referring to our above mentioned unanticipatedly late-filed joint reply brief, may cause the Court to grant our respective petitions for certiorari.

WHEREFORE, petitioners respectfully pray that this joint petition for rehearing should be granted, and that the respective petitions for writs of certiorari in Nos. 383 and 538 should be granted.

Respectfully submitted,

JEROME LEWIS
Attorney for Petitioners

Dated: December 14, 1962

[Certificate of Counsel follows on next page]

Certificate of Counsel

I hereby respectfully certify that the foregoing joint petition for rehearing is presented in good faith and not for delay, and that the petition is restricted to what appears to counsel to be one of the grounds specified in Rule 58(2), to wit, an intervening circumstance of substantial effect, namely, the procedural circumstance of the time of the filing of petitioner's joint reply brief as recited in the foregoing joint petition for rehearing.

JEROME LEWIS
Attorney for Petitioners

Dated: December 14, 1962